

**FILED**

**MAY 28 2014**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**BILLINGS DIVISION**

WILLIAM J. PAATALO,

Plaintiff,

vs.

FIRST AMERICAN TITLE  
COMPANY OF MONTANA, INC., *et.*  
*al.*,

Defendants.

CV 13-128-BLG-SEH

**ORDER**

On May 14, 2014, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendations<sup>1</sup> on the Motion to Dismiss Defendants Mackoff Kellogg Law Firm - Charles J. Peterson, and Jason J. Henderson<sup>2</sup> Plaintiff filed objections on May 23, 2014.<sup>3</sup> The Court reviews *de novo* findings

---

<sup>1</sup> Doc. 72.

<sup>2</sup> Doc. 56.

<sup>3</sup> Doc. 73.

and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

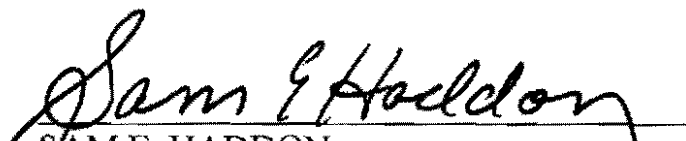
Upon *de novo* review of the record, I find no error in Judge Ostby's Findings and Recommendations and adopt them in full.

ORDERED:

1. Motion to Dismiss Defendants Mackoff Kellogg Law Firm - Charles J. Peterson, and Jason J. Henderson<sup>4</sup> is GRANTED as to Plaintiff Paatalo's claims for Breach of Contract (Count I), Breach of Implied Covenant of Good Faith and Fair Dealing (Count II), and Violations of the Fair Debt Collection Practices Act (Count VII) and are DISMISSED with prejudice; and

2. Motion to Dismiss Defendants Mackoff Kellogg Law Firm - Charles J. Peterson, and Jason J. Henderson<sup>5</sup> is DENIED as to Plaintiff Paatalo's claims for Fraud (Count III); Constructive Fraud (Count IV); and Negligent Misrepresentation (Count V).

DATED this 28<sup>th</sup> day of May, 2014.

  
SAM E. HADDON  
United States District Judge

---

<sup>4</sup> Doc. 56.

<sup>5</sup> Doc. 56.